



# Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES

STATE  
STATUTES  
SERIES

*Current Through  
November 2004*

## Infant Safe Haven Laws: Summary of State Laws

State legislatures have felt the need to address infant abandonment and infanticide in response to a reported increase in the abandonment of infants.

Beginning in Texas in 1999, "Baby Moses laws" or infant safe haven legislation has been enacted as an incentive for mothers in crisis to safely relinquish their babies to a safe haven where the baby will be protected and provided with medical care until a permanent home can be found. Safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from prosecution for abandonment or neglect in exchange for safely surrendering the baby to a safe haven.

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Administration for Children and Families  
Administration on Children, Youth and Families  
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To date, approximately<sup>1</sup> 46<sup>2</sup> States have enacted safe haven legislation to provide a vehicle for the safe relinquishment of unwanted newborns.

## Who May Leave a Baby at a Safe Haven

In most States with safe haven laws, a parent may surrender the baby to a safe haven. In four States (Georgia, Maryland, Minnesota, and Tennessee),<sup>3</sup> only the mother may relinquish the infant, while Idaho specifies that only a custodial parent may surrender the infant. Other States allow either parent of the baby, an agent of the parent (someone who has the parent's approval),<sup>4</sup> or another person having custody of the child<sup>5</sup> to take the baby to a safe haven. Five States<sup>6</sup> do not specify the person who may relinquish an infant.

## Safe Haven Providers

Safe haven providers include hospitals, emergency medical services, police stations, and fire stations. Generally, anyone on staff at these institutions can receive an infant, and the provider is authorized to provide any care and treatment the infant may require.

In many States, the provider is required to ask the parent for family and medical history information. In some States, the provider is required to attempt to give the parent or parents information about the legal effects of leaving the infant and information about referral services. In all cases, the relinquishing parent may not be compelled either to provide personal information or to accept the information offered.

The focus of these laws is protecting newborns, and in approximately 16 States,<sup>7</sup> infants who are 72 hours old or younger may

<sup>1</sup> The word *approximately* is used to stress the fact that the States frequently amend their laws, so this information is current only through November 2004.

<sup>2</sup> Alaska, Hawaii, Nebraska, Vermont, the District of Columbia, and the territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands have not yet addressed the issue of abandoned newborns in legislation.

<sup>3</sup> Maryland and Minnesota do allow the mother to approve another person to deliver the infant on her behalf.

<sup>4</sup> In 10 States: Arizona, Arkansas, Connecticut, Iowa, Missouri, North Dakota, Rhode Island, South Carolina, Utah, and Wyoming

<sup>5</sup> In California and Kansas

<sup>6</sup> Delaware, Maine, New Jersey, New Mexico, and New York

<sup>7</sup> Alabama, Arizona, California, Colorado, Florida, Illinois, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Ohio, Tennessee, Utah, Washington, and Wisconsin

## Immunity From Liability

be relinquished to a designated safe haven. Many other States accept infants up to 1 month old,<sup>8</sup> while North Dakota's safe havens will accept a child as old as 1 year.<sup>9</sup>

Safe haven providers are given protection from liability for anything that might happen to the infant while in their care unless there is evidence of major negligence on the part of the safe haven.

## Protections for the Parents

Anonymity for the parent or agent of the parent may be expressly guaranteed in statute,<sup>10</sup> or the statute may state that the safe haven cannot compel the parent or agent of the parent to provide identifying information.<sup>11</sup> Some States provide an assurance of confidentiality for any information that is provided.<sup>12</sup>

In addition to the guarantee of anonymity, many States limit prosecution<sup>13</sup> or provide that safe relinquishment of the infant is

<sup>8</sup> In 14 States: Arkansas, Connecticut, Idaho, Louisiana, Maine, Missouri, Montana, Nevada, New Jersey, Oregon, Pennsylvania, Rhode Island, South Carolina, and West Virginia

<sup>9</sup> Other States specify varying age limits in their statutes: 5 days (New York); 7 days (Georgia, Massachusetts, New Hampshire, North Carolina, and Oklahoma); 14 days (Delaware, Iowa, Virginia, and Wyoming); 45 days (Indiana and Kansas); 60 days (South Dakota and Texas); and 90 days (New Mexico).

<sup>10</sup> In approximately 13 States: Arizona, Delaware, Florida, Illinois, Kentucky, Ohio, Oklahoma, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming

<sup>11</sup> In 26 States: Arizona, California, Connecticut, Delaware, Idaho, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, West Virginia, and Wyoming.

<sup>12</sup> In 12 States: Connecticut, Delaware, Idaho, Iowa, Kentucky, Maine, Michigan, Montana, New Mexico, Rhode Island, South Carolina, and Tennessee

<sup>13</sup> In approximately 7 States (Arizona, Connecticut, Illinois, Louisiana, Nevada, Pennsylvania, and South Dakota), the statutes state that a safe relinquishment is not considered a violation of the law. In 21 States, the relinquishing parent is provided immunity from prosecution: California, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri (if the child is 5 days old or younger), Montana, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Wisconsin, and Washington.

an affirmative defense<sup>14</sup> in any prosecution<sup>15</sup> of the parent or his/her agent for any crime against the child, such as abandonment, neglect, or child endangerment.

The privileges of anonymity and immunity will be forfeited in most States if there is evidence of abuse or neglect of the child.

## Consequences of Relinquishment

In most States with safe haven laws, custody of the infant who has been relinquished will be transferred to the department that handles child protective or child welfare cases.

The department has responsibility for placing the child, usually in a pre-adoptive home, and for petitioning the court for termination of the birth parent's parental rights. Several States have procedures in place for a parent to reclaim the infant,<sup>16</sup> usually within a specified time period and before any petition to terminate parental rights has been granted. A few States<sup>17</sup> also have provisions for a nonrelinquishing father to petition for custody of the child.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

<sup>14</sup> In a State with an affirmative defense provision, a parent or agent of the parent can be charged and prosecuted, but the act of leaving the baby safely at a safe haven can be a defense to an accusation of abandonment, abuse, neglect, or child endangerment.

<sup>15</sup> In 17 States: Alabama, Arkansas, Colorado, Delaware, Indiana, Maine, Michigan, Mississippi, Missouri (if the child is 6 days old or older, but less than 30 days old), New Jersey, New York, Oregon, Texas, Utah, Virginia, West Virginia, and Wyoming

<sup>16</sup> Approximately 16 States have provisions for the relinquishing parent to petition to reclaim the child: California, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, New Mexico, Rhode Island, Tennessee, and Wyoming.

<sup>17</sup> In approximately 4 States: Louisiana, South Dakota, Tennessee, and Utah.

**Alabama****Infant's Age****Statute: § 26-25-1**

72 hours or younger

**Who May Relinquish the Infant****Statute: § 26-25-1**

Parent

**Who May Receive the Infant****Statute: § 26-25-1**

Emergency medical services provider in a licensed hospital

**Responsibilities of the Safe Haven Provider****Statute: §§ 26-25-1 26-25-2**

- Perform any act necessary to protect the child's health
- Notify the Department of Human Resources

**Immunity for the Provider****Statute: § 26-25-5**

Yes

**Protection for Relinquishing Parent****Statute: § 26-25-3**

Relinquishment to a safe haven is an affirmative defense to prosecution for nonsupport, abandonment, or endangering the welfare of a child.

**Effect on Parental Rights****Statute: § 26-25-2**

The department assumes control and custody of the child.

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**Alaska****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**American Samoa**

**Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Arizona**

**Infant's Age**

**Statute: § 13-3623.01**

72 hours or younger

**Who May Relinquish the Infant**

**Statute: § 13-3623.01**

- Parent
- An agent of the parent

**Who May Receive the Infant****Statute: § 13-3623.01**

- Firefighters on duty
- Emergency medical technician on duty
- Staff member at a health care institution
- Staff member at a private child welfare agency, licensed adoption agency, or a church

**Responsibilities of the Safe Haven Provider****Statute: § 13-3623.01**

- Notify child protective services as soon as practicable
- Offer written information about information and referral organizations

**Immunity for the Provider****Statute: § 13-3623.01**

Yes

**Protection for Relinquishing Parent****Statute: § 13-3623.01**

- The parent may remain anonymous and is not required to answer any questions.
- A person is not guilty of abuse for leaving an infant with a safe haven provider.

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Arkansas****Infant's Age****Statute: § 9-34-202**

30 days or younger

**Who May Relinquish the Infant****Statute: §§ 9-34-202; 5-27-203(c)**

- Parent
- A person designated by the parent

**Who May Receive the Infant****Statute: § 9-34-202**

- Medical provider
- Law enforcement agency

**Responsibilities of the Safe Haven Provider****Statute: §§ 9-34-202; 9-34-203**

- Perform any act necessary to protect the health of the child
- Immediately notify the Division of Children and Family Services of the Department of Human Resources

**Immunity for the Provider****Statute: § 9-34-202**

Yes

**Protection for Relinquishing Parent****Statute: § 5-27-203(c)**

- It is an affirmative defense to prosecution for endangering the welfare of a minor that the parent voluntarily relinquished the child.
- This section does not provide a defense for any abuse or neglect that occurred prior to the relinquishment of the child.

**Effect on Parental Rights****Statute: § 9-34-203**

The department will initiate a dependency action [to place the child in a permanent home].

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**California****Infant's Age****Statute: Penal Code § 271.5**

72 hours or younger

**Who May Relinquish the Infant****Statute: Penal Code § 271.5**

- Parent
- Other person having lawful custody

**Who May Receive the Infant****Statute: Penal Code § 271.5**

A safe-surrender site that includes:

- Public or private hospital
- Any location designated by the County Board of Supervisors

**Responsibilities of the Safe Haven Provider****Statute: Health & Safety Code § 1255.7**

- Provide medical care
- Provide the parent with a medical questionnaire
- Place a coded identification ankle bracelet on the child and offer a matching bracelet to the parent
- Notify child protective services

**Immunity for the Provider****Statute: Health & Safety Code § 1255.7**

Yes



**Protection for Relinquishing Parent****Statute: Penal Code § 271.5**

No person leaving an infant with a safe haven provider may be prosecuted for abandonment, failure to provide, or desertion.

**Effect on Parental Rights****Statute: Health & Safety Code § 1255.7**

- The department will file a dependency petition.
- The parent has 14 days to reclaim the child.

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**Colorado****Infant's Age****Statute: § 19-3-304.5**

72 hours or younger

**Who May Relinquish the Infant****Statute: § 19-3-304.5**

Parent

**Who May Receive the Infant****Statute: § 19-3-304.5**

- Firefighter at a fire station
- Hospital staff member at a hospital

**Responsibilities of the Safe Haven Provider****Statute: § 19-3-304.5**

- Perform any act necessary to protect the health of the child
- Notify law enforcement and the county department within 24 hours

**Immunity for the Provider****Statute: § 19-3-304.5**

Yes

**Protection for Relinquishing Parent****Statute: §§ 18-6-401(9); 19-3-304.5**

- A parent who safely relinquishes a child shall not have his or her name added to the State central child protection registry.
- Relinquishment to a safe haven is an affirmative defense to prosecution for placing a child in a threatening situation.

**Effect on Parental Rights****Statute: § 19-3-304.5**

The department shall:

- Place the child in an adoptive home
- Proceed to terminate the parent's rights as soon as lawfully possible

**Connecticut****Infant's Age****Statute: § 17a-58**

30 days or younger

**Who May Relinquish the Infant****Statute: § 17a-58**

- Parent
- Lawful agent of the parent

**Who May Receive the Infant****Statute: § 17a-57**

Any one on the nursing staff at a hospital emergency room

**Responsibilities of the Safe Haven Provider****Statute: §§ 17a-58; 17a-59**

- Take custody of the child
- Request the name of the parent and medical information
- Notify the department within 24 hours
- Offer to the parent a numbered identification bracelet that links the parent to the child, and a pamphlet describing the process of relinquishment

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent****Statute: §§ 17a-60; 53-23**

- Information about the parent is kept confidential.
- Leaving an infant with a safe haven provider is not a violation of the law of child abandonment.

**Effect on Parental Rights****Statute: §§ 17a-59; 17a-60**

- The department shall assume custody of the child, and take any action needed to achieve safety and permanency for the child.
- The parent or an agent for the parent may submit a request for reunification.

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**Delaware****Infant's Age****Statute: Title 16, § 902**

14 days or younger

**Who May Relinquish the Infant****Statute: Title 16, § 907A**

Any person who voluntarily delivers the infant unharmed

**Who May Receive the Infant****Statute: Title 16, § 907A**

Emergency department of a hospital

**Responsibilities of the Safe Haven Provider****Statute: Title 16, § 907A**

- Take emergency protective custody
- Make reasonable efforts to obtain medical history
- Notify the State police and the division
- Attempt to give the child's ID number to the person leaving the infant
- Attempt to provide to the person information about the Safe Arms program, adoption, and counseling services

**Immunity for the Provider****Statute: Title 16, § 908**

Yes

**Protection for Relinquishing Parent****Statute: Title 16, § 907A; Title 11, § 1102A**

- The parent may remain anonymous.
- If the parent chooses to remain anonymous, no investigation shall be initiated unless there is evidence of abuse or neglect of the child.
- Any information gathered is kept confidential.
- Relinquishment to a designated provider is a defense from prosecution for abandoning or endangering the welfare of the child.

**Effect on Parental Rights****Statute: Title 16, § 907A**

The division will publish a public notice that a child has been abandoned. Such notice shall contain the statement that the abandonment shall be:

- The surrendering person's irrevocable consent to termination of parental rights
- The surrendering person's irrevocable waiver of any right of notice unless the person manifests an intent to exercise parental rights within 30 days

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**District of Columbia****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Florida****Infant's Age**

**Statute: § 383.50**

3 days old or younger

**Who May Relinquish the Infant**

**Statute: § 383.50**

Parent

**Who May Receive the Infant**

**Statute: § 383.50**

- Hospital
- Emergency medical service station
- Fire station

**Responsibilities of the Safe Haven Provider**

**Statute: § 383.50**

- Provide needed medical care
- Contact the local child-placing agency
- Make a report if abuse or neglect is suspected in lieu of contacting a child-placing agency

**Immunity for the Provider**

**Statute: § 383.50**

Yes

**Protection for Relinquishing Parent**

**Statute: § 383.50**

- The parent has an absolute right to remain anonymous.
- The parent is not subject to a child protective report under § 39.201, or a criminal investigation, unless there is actual or suspected child abuse.
- The parent is provided immunity from prosecution for abandonment if there is no abuse or neglect.

**Effect on Parental Rights****Statute: § 383.50**

- There will be the presumption that the parent has consented to termination of parental rights.
- The parent may reclaim the child any time prior to termination of rights.

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**Georgia****Infant's Age****Statute: § 19-10A-4**

Not more than 1 week old

**Who May Relinquish the Infant****Statute: § 19-10A-4**

Mother

**Who May Receive the Infant****Statute: §§ 19-10A-2; 19-10A-4**

Employees, agents, or members of staff of any medical facility, including:

- Hospital
- Infirmary
- Health center
- Birth center

This does not include the private offices of physicians or dentists.

**Responsibilities of the Safe Haven Provider****Statute: § 19-10A-6**

- Accept the child for inpatient admission
- Notify the Department of Human Resources

**Immunity for the Provider****Statute: § 19-10A-7**

Yes

**Protection for Relinquishing Parent****Statute: § 19-10A-4**

- The mother shall not be prosecuted for cruelty to a child, contributing to the deprivation of a child, or abandonment, provided that the child is not more than 1 week old.
- The mother must provide proof of her identity and her name and address to the person accepting the child.

**Effect on Parental Rights****Statute: § 19-10A-6**

- The department will take physical custody of the child within 6 hours.
  - The department shall bring the child before the juvenile court to determine placement, as required by § 15-11-47.
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**Guam****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Hawaii****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Idaho****Infant's Age****Statute: § [39-8203]**

30 days or younger

**Who May Relinquish the Infant****Statute: § [39-8203]**

Custodial parent

**Who May Receive the Infant****Statute: § [39-8203]**

- Hospital
- Physicians, staff
- Nurses, midwives, physician's assistants
- Emergency medical technicians

**Responsibilities of the Safe Haven Provider****Statute: § [39-8202]**

- Perform any act necessary to protect the health and safety of the child
- Notify a peace officer
- Take temporary custody of the child

**Immunity for the Provider****Statute: § [39-8203]**

Yes

**Protection for Relinquishing Parent****Statute: §§ [39-8203]; [39-8206]**

- The parent is not required to reveal his or her identity.
- Any information given by the parent is kept confidential.
- Immunity from prosecution for abandonment and neglect is provided.

**Effect on Parental Rights****Statute: §§ [39-8204]; [39-8205]; [39-8206]**

- The child will be placed in a prospective adoptive home as soon as possible.
- A petition for termination of parental rights will be filed after 30 days.
- Prior to an order terminating parental rights, the parent may file a claim of parental rights to the child.

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**Illinois****Infant's Age****Statute: Ch. 325, § 2/10**

72 hours or younger

**Who May Relinquish the Infant****Statute: Ch. 325, § 2/15**

Biological parent

**Who May Receive the Infant****Statute: Ch. 325, § 2/20**

- Hospitals
- Police stations
- Fire stations
- Emergency medical facilities

**Responsibilities of the Safe Haven Provider****Statute: Ch. 325, §§ 2/20; 2/25**

- The facility accepting the child must provide all necessary emergency and medical care.
- A hospital must evaluate whether the child is abused or neglected.
- The hospital will have temporary custody of the child until custody is discharged to a child-placing agency or the department.
- If the child is relinquished at a fire station, police station, or emergency medical facility, that facility must arrange transportation of the child to the nearest hospital.
- If the fire station, police station, or emergency medical facility suspects that the child has been abused, a report must be made to child protective services.
- If the parent returns for the child within 72 hours, the parent must be informed of the location of the child.

**Immunity for the Provider****Statute: Ch. 325, § 2/27**

Yes

**Protection for Relinquishing Parent****Statute: Ch. 325, §§ 2/25; 2/30**

- If there is no evidence of abuse, the parent may remain anonymous.
- Neither a child protective nor criminal investigation may be initiated solely because the newborn has been relinquished.
- The act of relinquishment is not by itself considered abandonment or endangerment of the life or health of a child.

**Effect on Parental Rights****Statute: Ch. 325, §§ 2/15; 2/50; 2/55**

- There is a presumption that by the act of relinquishment, the child's parent consents to termination of parental rights.
- Proceedings to terminate parental rights will be initiated no sooner than 60 days after relinquishment.
- The parent may petition for the return of custody of the child prior to termination.
- Failure of the parent to file a claim before the termination of rights bars the parent from any future action.
- No action to void or revoke a termination of parental rights may commence after 12 months from the date of the relinquishment.



**Indiana****Infant's Age****Statute: § 31-34-2.5-1**

45 days or younger

**Who May Relinquish the Infant****Statute: § 31-34-2.5-1**

- Parent
- Any person

**Who May Receive the Infant****Statute: § 31-34-2.5-1**

Emergency medical services provider

**Responsibilities of the Safe Haven Provider****Statute: § 31-34-2.5-2**

- Take custody of the child
- Perform any act necessary to protect the health and safety of the child
- Notify the local child protection services agency

**Immunity for the Provider**

Not addressed in the statutes reviewed

**Protection for Relinquishing Parent****Statute: §§ 31-34-2.5-1; 35-46-1-4**

- A person who voluntarily leaves a child is not required to disclose his or her name or the parent's name.
- It is a defense to a prosecution for abandonment or neglect of a dependent if the infant is relinquished according to the law.

**Effect on Parental Rights****Statute: § 31-34-2.5-2**

The local child protection services agency shall assume care, control, and custody of the child.

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**Iowa****Infant's Age****Statute: § 233.1**

14 days old or younger

**Who May Relinquish the Infant****Statute: § 233.2**

- Parent
- Person authorized by the parent

**Who May Receive the Infant****Statute: § 233.2**

Institutional health facility

**Responsibilities of the Safe Haven Provider****Statute: § 233.2**

- Take custody of the child
- Perform any act necessary to protect the health and safety of the child
- Notify the department
- May ask for parent's name or medical information

**Immunity for the Provider****Statute: § 233.2**

Yes

**Protection for Relinquishing Parent****Statute: §§ 233.3; 233.5**

- Parents are not required to give names or medical information.
- Identifying information shall be kept confidential.
- Immunity from criminal prosecution or civil liability is provided.

**Effect on Parental Rights****Statute: §§ 233.2; 233.4**

- A petition to terminate parental rights shall be filed as soon as possible upon relinquishment.
- A hearing to terminate parental rights shall be held within 30 days.
- Either parent may request custody of the child before termination.

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**Kansas****Infant's Age****Statute: § 38-15,100**

45 days old or younger

**Who May Relinquish the Infant****Statute: § 38-15,100**

- Parent
- Person having legal custody of the child

**Who May Receive the Infant****Statute: § 38-15,100**

- Fire station
- City or county health department
- Medical care facility

**Responsibilities of the Safe Haven Provider****Statute: § 38-15,100**

- Take custody of the child
- Perform any act necessary to protect the health and safety of the child
- Notify local law enforcement

**Immunity for the Provider****Statute: § 38-15,100**

Yes

**Protection for Relinquishing Parent****Statute: § 21-3604**

A person leaving a baby with a safe haven shall not be prosecuted for abandonment if the baby has suffered no harm.

**Effect on Parental Rights****Statute: § 38-1529**

- A petition will be filed for termination of parental rights, and will include a request that the court find that reunification is not a viable alternative.
- An expedited hearing will be held on the petition.

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**Kentucky****Infant's Age****Statute: §§ 216B.190; 405.075**

72 hours old or younger

**Who May Relinquish the Infant****Statute: §§ 216B.190; 405.075**

- Parent
- Any person

**Who May Receive the Infant****Statute: §§ 216B.190; 405.075**

- Emergency medical services provider
- Police officer
- Firefighter

**Responsibilities of the Safe Haven Provider****Statute: § 216B.190**

- Provide medical care
- Attempt to gather health and medical information
- Notify the Department of Community Based Services

**Immunity for the Provider****Statute: § 216B.190**

Yes

**Protection for Relinquishing Parent****Statute: §§ 216B.190; 620.350**

- Identity confidential
- Right to remain anonymous
- No investigation for abandonment

**Effect on Parental Rights****Statute: § 620.350**

- The child is placed with a foster family.
- The department shall provide concurrent placement services to assist the foster family in working for reunification of the child with the birth family, or to adopt the child if reunification is not achieved.
- After 30 days, a petition for termination of parental rights is filed.
- A parent may file a claim of parental rights before termination is finalized.

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**Louisiana****Infant's Age****Statute: Ch. Code art. 1150**

30 days old or younger

**Who May Relinquish the Infant****Statute: Ch. Code art. 1150**

Parent

**Who May Receive the Infant****Statute: Ch. Code art. 1150**

A designated emergency care facility, which includes any:

- Hospital
- Public health unit
- Emergency medical service provider
- Medical clinic
- Police station
- Fire station
- Pregnancy crisis center
- Child advocacy center

**Responsibilities of the Safe Haven Provider****Statute: Ch. Code art. 1152**

- Provide a card to the parent that contains information on how to contact the department should the parent later have questions about the relinquishment or wish to disclose medical and genetic information
- Provide information regarding counseling and reclaiming parental rights
- Notify the department immediately

**Immunity for the Provider****Statute: Ch. Code art. 1152**

Yes

**Protection for Relinquishing Parent****Statute: Ch. Code art. 1151**

Relinquishment in accordance with this law is not a criminal act of neglect, abandonment, cruelty, or crime against the child.

**Effect on Parental Rights****Statute: Ch. Code art. 1154; 1156; 1158**

- The department shall take physical custody of the child within 12 hours of the child's discharge from the hospital.
- A parent who has relinquished the child may file to reclaim parental rights within 30 days after relinquishment.
- If the relinquishing parent has not made a timely claim to the child, and no timely claim has been made by a nonrelinquishing father, a petition for termination of parental rights will be filed within 45 days of relinquishment.
- No action to annul a judgment of termination of parental rights can be brought 90 days after the judgment or a decree for adoption has been entered, whichever is earlier.

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**Maine****Infant's Age****Statute: Title 22, § 4018**

Less than 31 days old

**Who May Relinquish the Infant****Statute: Title 22, § 4018**

Person

**Who May Receive the Infant****Statute: Title 22, § 4018**

- Law enforcement officer
- Staff at a medical emergency room
- Medical services provider
- Hospital staff member

**Responsibilities of the Safe Haven Provider****Statute: Title 22, § 4018**

- May request information helpful to the welfare of the child
- Notify the department

**Immunity for the Provider****Statute: Title 22, § 4018**

Yes

**Protection for Relinquishing Parent****Statute: Title 17-A; § 553(3); Title 22, § 4018**

- Delivery of a child in accordance with the law is an affirmative defense to prosecution for abandonment.
- All personal information about the parent is kept confidential.

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Maryland****Infant's Age****Statute: Cts & Jud Pro § 5-641**

Within 3 days of birth

**Who May Relinquish the Infant****Statute: Cts & Jud Pro § 5-641**

- Mother
- Person who has the approval of the mother

**Who May Receive the Infant****Statute: Cts & Jud Pro § 5-641**

- Responsible adult
- Hospital or other facility designated by regulation

**Responsibilities of the Safe Haven Provider****Statute: Cts & Jud Pro § 5-641**

- A person who receives an infant shall take it to a hospital.
- The hospital shall notify the local department within 24 hours.

**Immunity for the Provider****Statute: Cts & Jud Pro § 5-641**

Yes

**Protection for Relinquishing Parent****Statute: Cts & Jud Pro § 5-641**

Immunity from civil liability or criminal prosecution

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Massachusetts****Infant's Age****Statute: Ch. 119, § 391/2**

Any newborn infant 7 days of age or less

**Who May Relinquish the Infant****Statute: Ch. 119, § 391/2**

A parent

**Who May Receive the Infant****Statute: Ch. 119, § 391/2**

A 'designated facility':

- Hospitals
- Police departments
- Manned fire stations

**Responsibilities of the Safe Haven Provider****Statute: Ch. 119, § 391/2**

- Immediately notify the department
- Make every effort to solicit the following information from the parent:
  - » The name of the newborn infant
  - » The name and address of the parent placing the infant
  - » The location of the infant's birthplace
  - » Information relevant to the infant's medical history, and his or her biological family's medical history, if available
  - » Any other information that might reasonably assist the department in determining the best interests of the infant

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent****Statute: Ch. 119, § 391/2**

- Voluntary relinquishment shall not by itself constitute either a finding of abuse or neglect or a violation of the criminal statute for child abuse, neglect, or abandonment.
- Voluntary relinquishment shall not constitute an automatic termination of parental rights.
- The parent is not required to supply any other information requested above.

**Effect on Parental Rights****Statute: Ch. 119, § 391/2**

- The department shall accept the infant for placement in foster care.
- The department shall initiate all actions authorized by law to achieve the safety and permanent placement of the infant in a manner consistent with the best interests of the child.
- The department shall initiate a petition to terminate parental rights.

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**Michigan****Infant's Age****Statute: § 712.1**

72 hours old or younger

**Who May Relinquish the Infant****Statute: § 712.3**

Parent

**Who May Receive the Infant****Statute: § 712.1****Emergency service providers:**

- Fire departments
- Hospitals
- Police stations

**Responsibilities of the Safe Haven Provider****Statute: §§ 712.3; 712.5**

- Take the child into temporary protective custody
- Provide the child with any necessary care and transport the child to a hospital if necessary
- Inform the parent that by surrendering the child, they are relinquishing their rights to the child to a child-placing agency for adoption
- Provide written material that informs the parent about rights and available services
- Encourage the parent to provide family and medical information
- Notify a child-placing agency about the child
- Make a child protection report if abuse of the child is suspected, or if the examining physician suspects that the child is not a newborn

**Immunity for the Provider****Statute: § 712.2**

Yes

**Protection for Relinquishing Parent****Statute: §§ 712.3; 712.20**

- Any information provided by the parent is not made public.
- Relinquishment to a safe haven is an affirmative defense to prosecution for injury or abandonment.

**Effect on Parental Rights****Statute: § 712.3**

- The parent has 28 days to petition court to regain custody of the child.
- If a custody petition is not filed, the child-placing agency will file a petition to terminate parental rights.
- After 28 days, there will be a hearing to terminate parental rights.
- No notice of the hearing will be given to the parent.

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**Minnesota****Infant's Age****Statute: §§ 145.902; 609.3785**

- 72 hours old or younger
- Child must be unharmed



**Who May Relinquish the Infant****Statute: § 609.3785**

- Mother
- A person who has the mother's approval

**Who May Receive the Infant****Statute: §§ 145.902; 609.3785**

Employee at a licensed hospital

**Responsibilities of the Safe Haven Provider****Statute: § 145.902**

- May ask about medical history of the mother or the child
- May provide contact information for the social services department
- Must inform the local welfare agency within 24 hours

**Immunity for the Provider****Statute: § 145.902**

Yes

**Protection for Relinquishing Parent****Statute: §§ 145.902; 609.3785**

- Not required to provide any information
- No prosecution for leaving an infant

**Effect on Parental Rights****Statute: § 260C.217**

- The local social service agency shall take custody of the child.
- The agency is not required to attempt to reunify the child with the parents.

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**Mississippi****Infant's Age****Statute: § 43-15-201**

72 hours old or younger

**Who May Relinquish the Infant****Statute: § 43-15-201**

Parent

**Who May Receive the Infant****Statute: §§ 43-15-201; 43-15-207**

- Emergency medical services provider:
  - » A licensed hospital that operates an emergency department
  - » A licensed adoption agency
- Does not include the offices of private physicians or dentists unless such individual voluntarily assumes responsibility for the child

**Responsibilities of the Safe Haven Provider****Statute: §§ 43-15-201; 43-15-203**

- Perform any act necessary to protect the physical health and safety of the child
- Notify the department

**Immunity for the Provider****Statute: § 43-15-209**

Yes

**Protection for Relinquishing Parent****Statute: § 43-15-205**

Relinquishment to a safe haven is an affirmative defense to prosecution for abandonment, neglect, or exposure of the child.

**Effect on Parental Rights****Statute: § 43-15-203**

The Department of Human Services shall assume control and custody of the child.

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**Missouri****Infant's Age****Statute: § 210.950**

No more than 30 days old

**Who May Relinquish the Infant****Statute: § 210.950**

- Biological parent
- Person acting on the parent's behalf

**Who May Receive the Infant****Statute: § 210.950**

- Staff of any hospital
- Firefighter or emergency medical technician
- Law enforcement officer

**Responsibilities of the Safe Haven Provider****Statute: § 210.950**

- Take physical custody and transport the child to nearest the hospital
- Provide medical treatment as needed
- Notify the division of family services and local juvenile officer

**Immunity for the Provider****Statute: § 210.950**

Yes

**Protection for Relinquishing Parent****Statute: § 210.950****For the crimes of child abandonment and endangering the welfare of a child:**

- A parent shall not be prosecuted if the child is 5 days old or younger.
- It shall be an affirmative defense if the child is no less than 6 days old, but no more than 30 days old.

**Effect on Parental Rights****Statute: § 210.950**

- The child shall be made a ward of the court.
- The parent's delivery of the child shall constitute an implied consent to voluntary relinquishment of parental rights.
- A nonrelinquishing parent who wishes to establish rights to the child must identify himself or herself within 30 days of the publication of a public notice.

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**Montana****Infant's Age****Statute: § 40-6-402**

No more than 30 days old

**Who May Relinquish the Infant****Statute: § 40-6-405**

- Parent
- An individual

**Who May Receive the Infant****Statute: § 40-6-402**

An emergency services provider, which includes:

- A uniformed or otherwise identifiable employee of a fire department, hospital, or law enforcement agency, when the individual is on duty inside the premises of the fire department, hospital, or law enforcement agency
- Any law enforcement officer, who is in uniform or is otherwise identifiable

**Responsibilities of the Safe Haven Provider****Statute: §§ 40-6-405; 40-6-406**

- Perform any act necessary to protect the child's physical health and safety, and transport the child to a hospital if needed
- Attempt to inform the parent about the consequences of relinquishment and the availability of services
- Encourage the parent to provide family and medical information
- If possible, determine whether the child has a Tribal affiliation
- Notify the department
- Make a protective services report if child abuse is suspected, or if a physician suspects that the child is other than a newborn

**Immunity for the Provider****Statute: §§ 40-6-403; 40-6-404**

- Yes, for hospital employees
- Yes, for law enforcement and firefighters

**Protection for Relinquishing Parent****Statute: §§ 40-6-405; 40-6-417**

- Information provided by the parent will not be made public.
- A criminal investigation or prosecution for abandonment may not be initiated based solely on relinquishment.

**Effect on Parental Rights****Statute: § 40-6-405**

- By the act of relinquishment, the parent releases the child for adoption.
- The parent has 60 days to petition the court to regain custody.
- The parent may not receive personal notice of any proceedings.
- Any Indian heritage of the child brings the child under the jurisdiction of the Indian Child Welfare Act.

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**Nebraska****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Nevada****Infant's Age****Statute: § 432B.630**

30 days old or less

**Who May Relinquish the Infant****Statute: § 432B.630**

Parent

**Who May Receive the Infant****Statute: § 432B.630**

- Hospital
- Obstetric center
- Emergency medical care center
- Firefighting center
- Law enforcement agency

**Responsibilities of the Safe Haven Provider****Statute: § 432B.630**

- Perform any act necessary to maintain the health and safety of the child
- Notify the child welfare agency within 24 hours

**Immunity for the Provider****Statute: § 432B.160**

Yes

**Protection for Relinquishing Parent****Statute: §§ 432B.630; 200.508; 201.110**

- Not required to provide identifying or medical information
- Not a violation of the laws of abandonment, abuse, neglect, or child endangerment simply for delivering the child to a safe haven

**Effect on Parental Rights****Statute: § 432B.630**

The parent is presumed to have intended to consent to termination of parental rights to the child.

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**New Hampshire****Infant's Age****Statute: § 132-A:2**

Not more than 7 days old

**Who May Relinquish the Infant****Statute: § 132-A:2**

Parent

**Who May Receive the Infant****Statute: § 132-A:2**

- Hospital
- Safe haven, which includes:
  - » A church that is attended by a person
  - » A police or fire station
  - » A 911 responder

**Responsibilities of the Safe Haven Provider****Statute: §§ 132-A:2; § 132-A:3**

- Provide any medical services needed to protect the physical health and safety of the child
- Notify the department and law enforcement officials within 24 hours

**Immunity for the Provider****Statute: § 132-A:4**

Yes

**Protection for Relinquishing Parent****Statute: § 132-A:2**

The parent is not required to reveal personally identifiable information.

**Effect on Parental Rights****Statute: § 132-A:3**

The department assumes temporary care and control of the infant.

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**New Jersey****Infant's Age****Statute: § 30:4C-15.7**

30 days old or less

**Who May Relinquish the Infant****Statute: § 30:4C-15.7**

- Parent
- Any person

**Who May Receive the Infant****Statute: § 30:4C-15.7**

- Police station
- Emergency department of a licensed hospital

**Responsibilities of the Safe Haven Provider****Statute: § 30:4C-15.7**

- The police station that receives a child shall transport the child to the hospital.
- The hospital shall take possession of the child without a court order.
- The hospital shall take any action or provide any needed treatment to protect the child's health and safety.
- The hospital shall notify the Division of Youth and Family Services, no later than the first business day after taking possession.

**Immunity for the Provider****Statute: § 30:4C-15.7**

Yes

**Protection for Relinquishing Parent****Statute: § 30:4C-15.7**

- The parent is not required to provide identifying or medical information.
- Relinquishment to a safe haven is an affirmative defense to prosecution for abandonment.

**Effect on Parental Rights****Statute: § 30:4C-15.8**

- The division is not required to attempt to reunify the child with the parents.
- The division will place the child in an adoptive home as soon as possible.

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**New Mexico****Infant's Age****Statute: § 24-22-3**

90 days old or less

**Who May Relinquish the Infant****Statute: § 24-22-3**

Any person

**Who May Receive the Infant****Statute: § 24-22-3**

Staff of a licensed hospital or health care clinic

**Responsibilities of the Safe Haven Provider****Statute: §§ 24-22-3; 24-22-4**

- Provide any necessary medical care to the infant and the person leaving the infant
- Provide information about adoption services, including contact information for the department
- Request the identity of the birth parents and medical information
- Notify the department within 24 hours

**Immunity for the Provider****Statute: § 24-22-8**

Yes

**Protection for Relinquishing Parent****Statute: § 24-22-3**

- The parent is not required to provide identifying information.
- Any information that is disclosed shall remain confidential.
- There will be no prosecution for abandonment or abuse.

**Effect on Parental Rights****Statute: §§ 24-22-5; 24-22-7**

- The department has immediate custody of child.
- If the child is determined to be an Indian child, placement preferences apply.
- The parent has 30 days to seek reunification with the child.
- There will be no presumption of abuse or neglect against the person seeking reunification.

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**New York****Infant's Age****Statute: Penal Code §§ 260.03; 260.15**

Not more than 5 days old

**Who May Relinquish the Infant****Statute: Penal Code §§ 260.03; 260.15**

Any person

**Who May Receive the Infant****Statute: Penal Code §§ 260.03; 260.15**

An appropriate person

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent****Statute: Penal Code §§ 260.03; 260.15**

Relinquishment to a safe haven is an affirmative defense to prosecution for abandonment or endangering the welfare of a child.

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**North Carolina****Infant's Age****Statute: §§ 7B-500; 14-322.3**

Less than 7 days old

**Who May Relinquish the Infant****Statute: § 14-322.3**

Parent

**Who May Receive the Infant****Statute: § 7B-500**

- Health care provider at a hospital, health department, or community health center
- Law enforcement officer
- Social services worker
- Emergency medical service worker
- Any adult

**Responsibilities of the Safe Haven Provider****Statute: § 7B-500**

- Perform any act necessary to protect the child's health and well-being
- May ask the parent for identification and medical history
- Immediately notify the Department of Social Services or a law enforcement agency

**Immunity for the Provider****Statute: § 7B-500**

Yes

**Protection for Relinquishing Parent****Statute: §§ 7B-500; 14-322.3**

- The parent is not required to provide any information.
- The parent shall not be prosecuted for abandonment or failure to support.

**Effect on Parental Rights****Statute: § 7B-500**

The safe haven provider takes temporary custody of the child.

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**North Dakota****Infant's Age****Statute: § 27-20-02**

Less than 1 year old

**Who May Relinquish the Infant****Statute: § 50-25.1-15**

- Parent
- Agent of the parent

**Who May Receive the Infant****Statute: § 50-25.1-15**

Licensed hospital

**Responsibilities of the Safe Haven Provider****Statute: § 50-25.1-15**

- Request information regarding the parents
- Provide the parent with information
- Provide the parent with a numbered identity bracelet for the infant
- Notify the department within 24 hours, but not before the parent or agent of the parent leaves the hospital

**Immunity for the Provider****Statute: § 50-25.1-15**

Yes

**Protection for Relinquishing Parent****Statute: § 50-25.1-15**

- Neither the parent or the parent's agent is required to provide information.
- Neither the parent or the parent's agent may be prosecuted for abuse, neglect, or abandonment.

**Effect on Parental Rights****Statute: § 50-25.1-15**

If parental rights have not been terminated, possession of the infant's identity bracelet allows parent to participate in court actions.

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**Northern Mariana Islands****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Ohio****Infant's Age**

**Statute: § 2151.3516**

Less than 72 hours old

**Who May Relinquish the Infant**

**Statute: § 2151.3516**

Parent

**Who May Receive the Infant**

**Statute: § 2151.3516**

- Emergency medical service worker
- Hospital employee
- Peace officer

**Responsibilities of the Safe Haven Provider**

**Statute: § 2151.3517**

- Perform any act necessary to protect the child's health and safety
- Attempt to provide to the parent forms to gather medical information and written materials that describe the services available
- Notify the Children's Services Agency

**Immunity for the Provider**

**Statute: § 2151.3523**

Yes

**Protection for Relinquishing Parent**

**Statute: §§ 2151.3523; 2151.3424**

- The parent has the right to remain anonymous.
- The parent shall not be subject to prosecution for the act of relinquishment.

**Effect on Parental Rights**

**Statute: §§ 2151.3522; 2151.3528**

- The child is regarded as a deserted or neglected child.
  - A parent seeking reunification must undergo DNA testing.
-

**Oklahoma****Infant's Age****Statute: Title 10, § 7115.1**

7 days old or younger

**Who May Relinquish the Infant****Statute: Title 10, § 7115.1**

Parent

**Who May Receive the Infant****Statute: Title 10, § 7115.1**

- Medical services provider
- Child rescuer, which is any employee or designated person on duty at:
  - » Police station
  - » Fire station
  - » CPS agency
  - » Hospital or other medical facility

**Responsibilities of the Safe Haven Provider****Statute: Title 10, § 7115.1**

- Perform any act necessary to protect the child's health
- Request information about the child
- Provide information about the parents' rights regarding reunification
- Notify the department

**Immunity for the Provider****Statute: Title 10, § 7115.1**

Yes

**Protection for Relinquishing Parent****Statute: Title 10, § 7115.1**

- The parent may remain anonymous.
- There will be no prosecution for abandonment or neglect.

**Effect on Parental Rights****Statute: Title 10, § 7115.1**

The department will provide information about reunification and counseling.

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**Oregon****Infant's Age****Statute: § 418.017**

30 days old or younger

**Who May Relinquish the Infant****Statute: § 418.017**

Parent

**Who May Receive the Infant****Statute: § 418.017**

- Hospital
- Birthing center
- Physician's office
- Sheriff's office
- Police station
- Fire station

**Responsibilities of the Safe Haven Provider****Statute: § 418.017**

- Receive the child
- Notify the State Office for Services to Children within 24 hours
- Provide the State Office with any available information about the child

**Immunity for the Provider****Statute: § 418.017**

Yes

**Protection for Relinquishing Parent****Statute: §§ 418.017; 163.535(3)**

- The parent is not required to provide identifying information about the parent or the child.
- Relinquishment of the child to a safe haven is an affirmative defense to prosecution for abandonment.

**Effect on Parental Rights****Statute: § 418.017**

- The child is considered abandoned.
- The department has protective custody of the child.

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**Pennsylvania****Infant's Age****Statute: 23 PCSA § 6502**

Less than 28 days old

**Who May Relinquish the Infant****Statute: 23 PCSA § 6503**

Parent

**Who May Receive the Infant****Statute: 23 PCSA § 6504**

- Hospital
- Health care provider

**Responsibilities of the Safe Haven Provider****Statute: 23 PCSA § 6504**

- Take the child into protective custody
- Perform a medical evaluation
- Immediately notify the county agency and law enforcement or the State police

**Immunity for the Provider****Statute: 23 PCSA § 6507**

Yes

**Protection for Relinquishing Parent****Statute: 23 PCSA § 6503**

The parent is not criminally liable under any provision of title 18 (relating to crimes and offenses), if the criteria of 18 PCSA § 4306 are met.

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Puerto Rico****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**Not addressed in statutes reviewed

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**Rhode Island****Infant's Age****Statute: § 23-13.1-3**

30 days or younger

**Who May Relinquish the Infant****Statute: § 23-13.1-4**

- Parent
- Person acting at the direction of the parent

**Who May Receive the Infant****Statute: § 23-13.1-3**

- Hospital
- Medical emergency facility
- Fire station
- Police station

**Responsibilities of the Safe Haven Provider****Statute: § 23-13.1-3**

- Provide needed medical care to the child
- Offer information about the legal effect of relinquishment
- Notify the department

**Immunity for the Provider****Statute: § 23-13.1-3**

Yes

**Protection for Relinquishing Parent****Statute: §§ 23-13.1-3; 23-13.1-4**

- Any information provided is kept confidential.
- Immunity from prosecution for abandonment is provided.

**Effect on Parental Rights****Statute: § 23-13.1-5**

- The department shall have temporary protective custody of child.
- A petition for termination of parental rights shall be filed in 90 days unless the parent has asserted a claim.

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**South Carolina****Infant's Age****Statute: § 20-7-85**

Not more than 30 days old

**Who May Relinquish the Infant****Statute: § 20-7-85**

- Parent
- Person directed by parent

**Who May Receive the Infant****Statute: § 20-7-85**

- Hospital
- Hospital outpatient facility

**Responsibilities of the Safe Haven Provider****Statute: § 20-7-85**

- Provide needed medical care to protect the health and safety of the child
- Offer information to the parent about the legal effect of relinquishment
- Attempt to obtain information about the child's medical history and background
- Notify the department no later than the close of the first business day after the child has been relinquished

**Immunity for the Provider****Statute: § 20-7-85**

Yes

**Protection for Relinquishing Parent****Statute: § 20-7-85**

- The parent is not required to disclose his or her identity.
- Any identifying information that is disclosed must be kept confidential.
- The parent is provided with immunity from prosecution for any criminal offense, as long as the child has suffered no harm.

**Effect on Parental Rights****Statute: § 20-7-85**

- The department has legal custody of the child.
- Abandonment is considered conclusive evidence that the requirements for termination of parental rights have been met.
- Within 48 hours, the department will file a petition to:
  - » Dispense with reasonable efforts
  - » Terminate parental rights
- A parent wishing to reunify with the child must assert parental rights at the first permanency planning hearing.

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**South Dakota****Infant's Age****Statute: § 25-5A-27**

Less than 60 days old



**Who May Relinquish the Infant****Statute: § 25-5A-27**

Parent

**Who May Receive the Infant****Statute: §§ 25-5A-27; 25-5A-34**

- Health care facility or clinic
- Law enforcement officer
- Emergency medical technician
- Firefighter
- Child placement agency

**Responsibilities of the Safe Haven Provider****Statute: §§ 25-5A-27; 25-5A-30; 25-5A-32**

- Perform any act necessary to protect the child's health
- May ask the parent for medical information
- Notify the Department of Social Services

**Immunity for the Provider****Statute: § 25-5A-31**

Yes

**Protection for Relinquishing Parent****Statute: §§ 25-5A-28; 25-5A-30**

- The parent is not required to provide any information.
- Relinquishment to a safe haven is not considered a crime if the child is unharmed.

**Effect on Parental Rights****Statute: §§ 25-5A-29; 25-5A-33; 25-5A-35**

- After 14 days, the child becomes a ward of the State, and the relinquishing parent's rights are terminated.
- The nonrelinquishing parent has 30 days to file for custody.
- After 60 days, a hearing is held to terminate parental rights.
- Due regard shall be given to the Indian Child Welfare Act, if applicable.

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**Tennessee****Infant's Age****Statute: § 68-11-255**

72 hours old or younger

**Who May Relinquish the Infant****Statute: § 68-11-255**

Mother

**Who May Receive the Infant****Statute: § 68-11-255**

- Hospital
- Birthing center
- Community health clinic
- Outpatient walk-in clinic

**Responsibilities of the Safe Haven Provider****Statute: § 68-11-255**

- Perform any act necessary to protect the child's health and safety
- May ask the parent for identification and health information
- May provide information to the parent about the legal effects of relinquishment and available social services
- Notify the department within 24 hours, but not before the mother leaves the facility

**Immunity for the Provider****Statute: § 68-11-255**

Yes

**Protection for Relinquishing Parent****Statute: § 68-11-255**

- Any information that is received is kept confidential.
- Immunity for criminal prosecution is provided if the child is delivered unharmed.

**Effect on Parental Rights****Statute: § 36-1-142**

- The Department of Children's Services assumes custody of the child.
- Notice will be published in a newspaper to give the putative father an opportunity to claim the child.
- Failure of the mother to seek contact for 90 days shall be grounds for termination of parental rights.

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**Texas****Infant's Age****Statute: Fam. Code § 262.302**

60 days old or younger

**Who May Relinquish the Infant****Statute: Fam. Code § 262.302**

Parent

**Who May Receive the Infant****Statute: Fam. Code § 262.301**

'Designated emergency infant care provider,' which includes:

- Emergency medical services provider
- Hospital
- Child-placing agency

**Responsibilities of the Safe Haven Provider****Statute: Fam. Code §§ 262.302; 262.303**

- Perform any act necessary to protect the child's health and safety
- Notify the department no later than the close of the first business day
- Offer to the parent a form for voluntary disclosure of medical information

**Immunity for the Provider****Statute: Fam. Code § 262.302**

Yes

**Protection for Relinquishing Parent****Statute: Penal Code § 22.041(h); Fam. Code § 262.303**

- The parent may remain anonymous.
- Relinquishment to a safe haven is an affirmative defense to prosecution for abandoning or endangering a child.

**Effect on Parental Rights****Statute: Fam. Code § 262.303**

The Department of Protective and Regulatory Services assumes custody of the child.

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**Utah****Infant's Age****Statute: § 62A-4a-801**

72 hours old or younger

**Who May Relinquish the Infant****Statute: § 62A-4a-802**

- Parent
- Parent's designee

**Who May Receive the Infant****Statute: § 62A-4a-802**

Hospital

**Responsibilities of the Safe Haven Provider****Statute: § 62A-4a-802**

- Provide any necessary medical care
- May request identifying and medical information
- Notify the Division of Child and Family Services within 24 hours
- Prepare a birth certificate for the child, or a foundling birth certificate if the child's parentage is unknown

**Immunity for the Provider****Statute: § 62A-4a-802**

Yes

**Protection for Relinquishing Parent****Statute: § 62A-4a-802**

- The parent or parent's designee may retain complete anonymity.
- Relinquishment to a safe haven is an affirmative defense to any criminal liability for abandonment or neglect.

**Effect on Parental Rights****Statute: § 62A-4a-802**

- The child is placed in a potential adoptive home.
- Within 10 days, a petition to terminate parental rights is filed.
- The father has 2 weeks to come forward and establish paternity.

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**Vermont****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

**Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent**

Not addressed in statutes reviewed

**Effect on Parental Rights**

Not addressed in statutes reviewed

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**Virgin Islands****Infant's Age**

Not addressed in statutes reviewed

**Who May Relinquish the Infant**

Not addressed in statutes reviewed

**Who May Receive the Infant**

Not addressed in statutes reviewed

### **Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

### **Immunity for the Provider**

Not addressed in statutes reviewed

### **Protection for Relinquishing Parent**

Not addressed in statutes reviewed

### **Effect on Parental Rights**

Not addressed in statutes reviewed

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## **Virginia**

### **Infant's Age**

**Statute: §§ 18.2-371.1; 40.1-103**

Within first 14 days

### **Who May Relinquish the Infant**

**Statute: §§ 18.2-371.1; 40.1-103**

Parent

### **Who May Receive the Infant**

**Statute: §§ 18.2-371.1; 40.1-103**

- Hospital that provides 24-hour emergency services
- Rescue squad that employs emergency medical technicians

### **Responsibilities of the Safe Haven Provider**

Not addressed in statutes reviewed

### **Immunity for the Provider**

**Statute: § 8.01-226.5:2**

Yes

### **Protection for Relinquishing Parent**

**Statute: §§ 18.2-371.1; 40.1-103**

Relinquishment to a safe haven is an affirmative defense to prosecution for abuse or neglect of children, cruelty to children, or endangering a child.

### **Effect on Parental Rights**

**Statute: § 63.2-910.1**

**A local department shall have authority to:**

- Take custody of the child
  - Arrange an appropriate placement
  - Institute proceedings to terminate parental rights
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**Washington****Infant's Age****Statute: § 13.34.360**

Less than 72 hours old

**Who May Relinquish the Infant****Statute: § 13.34.360**

Parent

**Who May Receive the Infant****Statute: § 13.34.360**

- Employee, volunteer, or medical staff member at a hospital
- Firefighter, volunteer, or emergency medical technician at a fire station

**Responsibilities of the Safe Haven Provider****Statute: § 13.34.360**

- Provide the parent with referral information regarding adoption options
- Offer the parent an opportunity to provide medical information
- Notify child protective services within 24 hours
- Attempt to protect the anonymity of the parent

**Immunity for the Provider****Statute: § 13.34.360**

Yes

**Protection for Relinquishing Parent****Statute: § 13.34.360**

- Anonymity of the parent is protected.
- The parent is not subject to criminal liability for abandonment.

**Effect on Parental Rights****Statute: § 13.34.360**

Child protective services will assume custody of the child.

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**West Virginia****Infant's Age****Statute: § 49-6E-1**

Less than 30 days old

**Who May Relinquish the Infant****Statute: § 49-6E-1**

Parent

**Who May Receive the Infant****Statute: § 49-6E-1**

- Hospital
- Health care facility

**Responsibilities of the Safe Haven Provider****Statute: §§ 49-6E-1; 49-6E-2**

- Perform any act necessary to protect the child's health and safety
- May not require the parent to identify himself or herself
- Notify child protective services

**Immunity for the Provider**

Not addressed in statutes reviewed

**Protection for Relinquishing Parent****Statute: §§ 49-6E-1; 49-6E-4**

- The parent has the right to remain anonymous.
- Relinquishment to a safe haven is an affirmative defense to prosecution.

**Effect on Parental Rights****Statute: §§ 49-6E-2; 49-6E-5**

- The department shall assume custody of the child.
- The child shall be eligible for adoption as an abandoned child under § 48-4-1, et seq.

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**Wisconsin****Infant's Age****Statute: § 48.195**

72 hours old or younger

**Who May Relinquish the Infant****Statute: § 48.195**

Parent

**Who May Receive the Infant****Statute: § 48.195**

- Law enforcement officer
- Emergency medical technician
- Hospital staff member
- Sheriff's office
- Police station
- Fire station

**Responsibilities of the Safe Haven Provider****Statute: § 48.195**

- Take any action necessary to protect the child's health and safety
- Deliver the child to an intake worker within 24 hours
- Provide a toll-free number to the parent regarding health care services and providers
- Within 5 days, file a birth certificate for the child

**Immunity for the Provider****Statute: § 48.195**

Yes

**Protection for Relinquishing Parent****Statute: § 48.195**

- The parent has the right to remain anonymous.
- The parent, and any person who assists the parent in the relinquishment, are provided immunity from civil and criminal liability for abandonment or neglect.
- The immunity includes immunity for exercising the right to remain anonymous.

**Effect on Parental Rights****Statute: § 48.415**

The court may grant involuntary termination of parental rights on the grounds that custody has been relinquished.

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**Wyoming****Infant's Age****Statute: § 14-11-102**

14 days old or younger

**Who May Relinquish the Infant****Statute: § 14-11-103**

- Parent
- Parent's designee

**Who May Receive the Infant****Statute: § 14-11-102**

- A fire station
- A hospital
- A police department or sheriff's office
- Any other place of shelter identified by the department



**Responsibilities of the Safe Haven Provider****Statute: § 14-11-103**

- The safe haven provider may not require the parent to provide medical or identifying information.
- The provider may provide any necessary medical care.
- The provider shall notify the local child protective services agency no later than 24 hours after receiving the child.
- If the child has been left somewhere other than a hospital, that entity shall provide emergency medical care and deliver the child to the nearest hospital as soon as possible.

**Immunity for the Provider****Statute: § 14-11-108**

Yes

**Protection for Relinquishing Parent****Statute: §§ 14-11-103; 14-11-106**

- The parent may remain anonymous.
- Relinquishment does not in and of itself constitute child abuse.
- Relinquishment to a safe haven is an affirmative defense to any potential criminal liability for abandonment or neglect.

**Effect on Parental Rights****Statute: §§ 14-11-103; 14-11-105**

- The local child protective agency shall assume care and custody of the child.
  - The department shall place the child in a potential adoptive home.
  - If neither parent seeks the return of the child within 3 months, the department shall file a petition for termination of parental rights.
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